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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/698,862	10/27/2000	Charles L. Hunter	10001746-1	5899
22879	7590	07/19/2004	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			CASTRO, ANGEL A	
		ART UNIT	PAPER NUMBER	
		2653	8	
DATE MAILED: 07/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/698,862	HUNTER ET AL.
	Examiner	Art Unit
	Angel A Castro	2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 27 February 2004.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-20, 22-24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 1-11 and 24 is/are allowed.

6) Claim(s) 12-16, 20, 22 and 23 is/are rejected.

7) Claim(s) 17-19 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____.

DETAILED ACTION

This Office Action is in response to Amendment A filed 2/27/04.

Claim Objections

1. Claims 12 and 15 are objected to because of the following informalities:

In claim 12, line 11, --a-- should be inserted before “disc”;

In claim 15, line 4, “parameter” should be changed to --perimeter--.

Correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 12-16, 20, 22-23 are rejected under 35 U.S.C. 102(e) as being anticipated by

Kokubo et al.

Regarding claim 12, Kokubo et al discloses a portable disc player having a casing for containing various disc sizes (figure 1), the casing comprising:

a top and bottom shell 5 and 3 movably attached to allow the insertion and removal of the disc within a cavity of the casing;

a data transfer device ("DTD") 13 attached to the bottom shell for transferring data; and

a mechanism 6 and 4 for scaling the overall size of the player along two sides of the player and a front side of the player, to accommodate disc size, wherein the two sides 22 connect a back side and the front side of the casing.

Regarding claims 13 and 23, Kokubo et al discloses a I/O port 71 coupled between an exterior surface of the disc player and the DTD to transfer audio, video or computer data from the disc: to a speaker, video display or a processor, via the DTD (figure 5).

Regarding claim 14, it is inherent in the reference to Kokubo that the disc may be a CD or DVD having a size selected from the group including 120mm and 80mm (Kokubo discloses that a 120 mm disc is shown in column 2, lines 49-53).

Regarding claims 15-16, Kokubo et al shows that the top and a bottom shell further include a first wall (near the pin 31) having a first height that extends along a portion of the shell perimeter and a second wall 5c having a second height along a portion of the sides of the disc player (see figure 3).

Regarding claim 20, Kokubo et al discloses a process for containing an optical disc within a casing of a portable disc player or recorder having a case scaling mechanism, the process comprising:

opening a top portion of the casing to expose a shell cavity;

securing the disc to a data transfer device ("DTD") within the shell cavity;

adjusting the size of the casing to accommodate the relative size of the disc along two sides and a front side of the casing, wherein the two sides connect the back side and the front side of the casing; and

closing the top portion to contain a portion of the disc within the shell cavity (column 8, lines 32-67 and column 9, lines 1-10).

Regarding claim 22, Kokubo et al discloses that the step of adjusting further includes pulling or pushing on a sleeve 6 of the case scaling mechanism to increase or decrease, respectively, the shell cavity and a structural size of the disc player for containing a disc (see figure 1).

Allowable Subject Matter

4. Claims 1-11 and 24 are allowed.
5. Claims 17-19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
6. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record neither anticipates nor renders obvious the instant combination in a scalable optical disc player comprising a top and bottom set of wings, each wing pivotally couples to the respective mounting post and including a guide pin, wherein the top and bottom set of wings expand away from respective sides of the player and contract toward respective sides of the player; and a top and bottom sleeve movably coupled between the respective cover and pair of wings, each sleeve includes a pair of guide slots being positioned to receive each

respective guide pin of each wing, wherein the top and bottom sleeves expand a front side of the player away from the back side and contract the front side towards the back side as set forth in independent claim 1 and figures 3-4 of the specification.

The prior art of record neither anticipates nor renders obvious the instant combination in a portable disc player having a casing for containing various disc sizes, the casing comprising:

a mechanism for scaling the overall size of the player to accommodate disc size, wherein the top and the bottom shell further includes two mounting posts adjacent a back side, and the mechanism further includes:

a top and bottom sleeve movably coupled to an interior surface of the top and bottom shell, respectively, each sleeve having two guide slots and a flange along a front side of the casing;

a top and bottom pair of wings, each wing providing a guide pin and a flange along either the left or right side of the casing,

wherein the shells hingeably couple together, each wing pivotally attaches to the respective cover and movably couples to the respective shell by the guide slot to accommodate the varying size discs being coupled to the DTD as set forth in independent claim 24.

Response to Arguments

7. Applicant's arguments filed 2/27/04 have been fully considered but they are not persuasive.

Applicant asserts in page 14:

“The present invention pertains to a scalable and portable disc player that can be adjusted to accommodate various optical disc sizes. In particular, independent Claim 12, as amended, discloses a portable disc player that expands and contracts along three sections of the player. Specifically, independent Claim 12 discloses a mechanism that scales the overall size of the player along two sides of the player and a front side of the player to accommodate disc size.”

The Examiner respectfully points out that the mechanism, as claimed, reads in figure 1 of Kokubo by scaling two sides of the player and moving the front side of the player.

Applicant asserts in page 16:

“The present invention pertains to a scalable and portable disc player that can be adjusted to accommodate various optical disc sizes. In particular, independent Claim 20, as amended, discloses a process for containing an optical disc within a casing having a case scaling mechanism. Specifically, the case scaling mechanism discloses adjusting the size of the casing along two sides and a front side of the casing to accommodate a relative size of a disc.”

The Examiner refers to the previous argument as the claims do not specify how the size of the casing is adjusted. As claimed, it is interpreted as being made by expanding both sides and moving the front side.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kokubo et al (JP 2000 195246) discloses a disc drive device; Aoki et al (JP 2000 187973) discloses a disc drive assembly.
9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angel A Castro whose telephone number is 703-308-8435. The examiner can normally be reached on Monday through Thursday, 8 AM to 6 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R Korzuch can be reached on 703-305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Angel Castro C

Angel Castro, Ph.D.